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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/203,375	12/02/1998	NORBERT WEGNER	81395-72	4110

7590

10/22/2003

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CANADA

EXAMINER
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PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 10/22/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/203,375

Applicant(s)

WEGNER ET AL.

Examiner

Brenda Pham

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This correspondence is in response to the applicant's response filed September 16, 2003. Claims 1-26 are currently pending.
2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Objections*

3. Claim 2 is objected to because of the following informalities:

Claim 2, line 2, the recitation "detecting as said first predefined", should the word "as" be deleted.

Claim 2, line 4, the recitation "detecting as said second predefined", should the word "as" be deleted.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-5, 12-14, 17, 23-26 are rejected under 35 USC 102(b) as being anticipated by **Manabe** (US 5,958,032).

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-Regarding claims 1, 13, 14, 24-26, **Manabe** discloses an apparatus and associated method of controlling the flow of data units across a bus bridge, comprising: detecting operational states of a bus bridge (11b) in communication with at least two data buses (10c, 11a) for transferring data between the at least two data buses: disabling load access to the bridge when a first predefined operational state (busy status) exists at the bridge; and enabling load access to the bridge when a second predefined operational state (not busy state) exists at the bridge, (column 4, lines 35-45).

-Regarding claims 3-5, 12, 17 and 23, **Manabe** further teaches wherein disabling includes signaling at least one device on a bus in communication with the bus bridge to indicate that load access to the bridge will not be granted.

**Manabe** teaches, "If the host bus 10c is operative to transfer data codes at low speed or is in busy status, the bus bridge circuit 11b instructs the first state machine 11f to cancel the bus request," (column 4, lines 38-41).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 2, 11, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Manabe** (US 5,958,032) in view of **Chou et al** (US 5,367,534), hereinafter refer to as **Chou**.

-Regarding claims 2 and 15, as explained above in the rejection statement of claims 1 and 14, **Manabe** discloses all the claim limitations recited in claims 1 and 14 (parent claims).

Although **Manabe** does not teach wherein detecting operational states of the bridge includes detecting said first predefined operational state the presence of a predefined number of data units stored in the bridge and detecting as said second predefined operational state fewer than said predefined number of data units stored in the bridge, this claim limitation is well known and is taught by **Chou** in according to figure 2.

**Chou** teaches, "The buffer 111 is arranged to compare the quantity of data signals stored therein with a maximum threshold and a minimum threshold. When the quantity of data signals stored in the buffer exceeds the maximum threshold, the buffer 111 informs the control circuit 120 of this first condition via the path 113. In response, the control circuit 120 removes the clock signal 109 from the terminal, thereby interrupting the flow of data signals from the terminal", (column 2, lines 5-14).

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the buffer flow control as recited in claims 2 and 15 in **Chou** to better control the flow of data traffic coming and leaving the bridge buffer to prevent the overload of the bridge buffer.

-Regarding claims 11 and 22, **Chou** further teaches wherein disabling includes disabling access to the bridge until a data unit is unloaded from the bridge.

**Chou** teaches, "When the quantity of data signals stored in the buffer is less than the minimum threshold, the buffer 111 informs the control circuit 120 of this second condition via the path 115. In response, the control circuit 120 again applies the clock signal to the terminal, thereby restoring the flow of data signal from the terminal to the modem via the path 107" (column 2, lines 20-27).

8. Claims 6-8, 10 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Manabe** (US 5,958,032) in view of **Chou et al** (US 5,367,534) further in view of **Yang et al** (US 6,097,698), hereinafter refer to as **Yang**.

-Regarding claim 6-8, 10 and 18-20, as explained in the rejection statement of claims 1-2 and 14-15, **Manabe** in view of **Chou** teach and render obvious all the claim limitations recited in claims 1-2, 14-15 (parent claims).

Although **Manabe** and **Chou** do not teach a counter incremented by the bridge monitor when a data unit is loaded to the bridge and decremented by the bridge monitor when a data unit is unload from the bridge this limitation is well known and is taught by **Yang**, in according to column 7, lines 62-67).

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement a counter in **Manabe** in view of **Chou** to count the number of cells that are buffered in the buffer at any point in time for determine the occupancy level of the buffer.

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-Regarding claim 21, **Chou** further teaches wherein said control circuit is operable to disable load access to the bridge when said counter reaches said predefined number.

**Chou** teaches, "the buffer 111 is arranged to compare the quantity of data signals stored therein with a maximum threshold and a minimum threshold. When the quantity of data signals stored in the buffer exceeds the maximum threshold, the buffer 111 informs the control circuit 120 of this first condition via the path 113. In response, the control circuit 120 removes the clock signal 109 from the terminal, thereby interrupting the flow of data signals from the terminal" (column 1, lines 5-13).

### ***Conclusion***

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Fax to:

(703) 308-6743, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington VA Sixth Floor (Receptionist)

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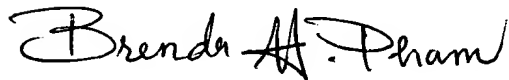
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (703) 308-0148. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

October 15, 2003

Brenda Pham

A handwritten signature in black ink that reads "Brenda A. Pham". The signature is written in a cursive style, with the first letters of each word being capitalized and prominent.